IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2094 OF 2005

Bhalchandra Vichare & Ors ...Applicants

Versus

Chandrakant Udaychand Mehta & Anr ...Respondents

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Mr. R.J. SIngh i/b Vanit D. Jawle, Advocate for Applicants.

Mr. M.S. Mohite, Adv. for Respondent No.1.

Mr. S.R. Shinde, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 6TH OCTOBER, 2005

P. C.:-

1. Heard the learned advocate for the applicants i.e. original accused, the learned advocate for the respondent i.e. original complainant and the learned A.P.P. for the State.

2. The applicants i.e. original accused Nos. 7, 8 and 9 have prayed for quashing of process issued against them in Criminal Case No. 590 of 2004 which is pending in the Court of learned Metropolitan Magistrate, 43rd Court, Borivali, Mumbai. In the said case, process has been issued against the applicants under Section 499, 500 r.w. 114 of I.P.C.

3. For the reasons recorded in the decision of this Court in the case of **V.K. Jain & Ors. Vs. Pratap Vs. Padode and Anr, reported in 2005(3) Mh.L.J. 778,** in my opinion, the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer revision before the concerned Sessions Court. The learned advocate for the applicants states that the necessary revision would be preferred within a period of five weeks from today. The learned advocate for the respondent No. 1 i.e. original complainant fairly states that no objection would be raised in respect of delay in filing revision before the learned Sessions Judge.

5. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Application is disposed of.

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